

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JULI WINTJEN, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

DENNY's, INC., *et al.*,

Defendants.

Civil Action No.: 2:19-cv-00069-CCW

**PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITY
IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff filed her Motion for Summary Judgment (ECF #249) on August 7, 2023, and her reply on September 6, 2023 (ECF #264). Since the close of that briefing, the Third Circuit and another court within the Third Circuit issued decisions which Plaintiff believes further demonstrates the propriety of her summary judgment motion. As such, Plaintiff respectfully submits this supplemental authority to bring said decisions to this Honorable Court's attention.

- *Walsh v. La Tolteca Wilkes Barre, Inc.*, No. 3:21-CV-1628, 2023 U.S. Dist. LEXIS 218430 (M.D. Pa. Dec. 6, 2023) (attached hereto as **Exhibit A**); and
- *Sec'y United States DOL v. Mosluoglu, Inc.*, No. 22-2749, 2023 U.S. App. LEXIS 24385 (3d Cir. Sep. 14, 2023) (attached hereto as **Exhibit B**).

Dated: January 16, 2024

Respectfully submitted,

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Attorneys for Plaintiff and the Classes

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 16th day of January 2024, a true and correct copy of the foregoing document was filed with the Court utilizing its CM/ECF system, which will send notice of such filing to all counsel of record.

/s/ Gerald D. Wells, III
Gerald D. Wells, III